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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/445,710	03/13/00	LEINO	H 32107

000116  
PEARNE & GORDON, LLP  
526 SUPERIOR AVENUE EAST  
SUITE 1200  
CLEVELAND OH 44114-1484

IM62/1218

EXAMINER

ALVO, M

ART UNIT	PAPER NUMBER
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1731

DATE MAILED:

12/18/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/445,710**

Applicant(s)  
**LEINO et al**

Examiner  
**Steve Alvo**

Group Art Unit  
**1731**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10-12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over OSTBERG et al ("Use of Carbon Dioxide In the Production of Sulphate Pulp").

See page 515, first paragraph for adding alkali, e.g. sodium hydroxide, to the pulp to adjust the temperature in combination with carbon dioxide to buffer the pH to a pH of 8.0. See page 512, second paragraph for treating bleached or unbleached sulphate pulp. See page 509, middle of page for "CO<sub>2</sub> gas" dissolved. If the charge of alkali is not an aqueous solution of sodium hydroxide then such would have been obvious as aqueous solutions of sodium hydroxide are commonly used in the treatment as pulp to raise the pH. The term "intended to contain calcium carbonate filler" in claim 8, is not a positive limitation.

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Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over OSTBERG et al in view of G.B. Patent 815,527.

OSTBERG et al teaches adding alkali and carbon dioxide to counter each other's pH changing effect. See page 515, first paragraph for adding alkali, e.g. sodium hydroxide, to the pulp to adjust the temperature in combination with carbon dioxide to buffer the pH to a pH of 8.0. See page 512, second paragraph for treating bleached or unbleached sulphate pulp. See page 509, middle of page for "CO<sub>2</sub> gas" dissolved. It would have been obvious to that the alkali of OSTBERG et al could have been an aqueous solution of sodium hydroxide as such is taught by G.B. Patent 815,527. G.B. Patent 815,527 further teaches that the sodium hydroxide could be added prior to the carbon dioxide (page 2, lines 35-41). The term "intended to contain calcium carbonate filler" in claim 8, is not a positive limitation. Claim 9 is rejected as the use of pipes to add chemicals is well known in the papermaking art.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over OSTBERG et al with or without G.B. Patent 815,527 as applied to claim 1 above, and further in view of ADMITTED PRIOR ART (specification, page 1, lines 6-11).

The ADMITTED PRIOR ART teaches that it is known to neutralize (pH 7-8.5) the pulp before adding calcium carbonate as a filler. It would have been obvious to one of ordinary skill in the art that the neutralized pulp of OSTBERG et al and/or G.B. Patent 815,527 could have the calcium carbonate of the ADMITTED PRIOR ART added to it as it is at the proper pH for calcium carbonate filler.

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Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is (703) 308-2048. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is (703) 308-0661.

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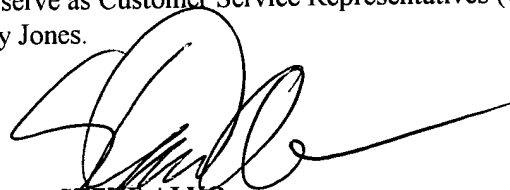
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MSA

December 14, 2000



**STEVE ALVO**  
**PRIMARY EXAMINER**  
**ART UNIT 1731**